

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – March 21, 2008
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:04 a.m., recessed at 10:20 a.m., reconvened at 10:39 a.m., recessed at 12:07 p.m., reconvened at 12:14 p.m. and adjourned at 12:27 p.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Day (out at 10:56 a.m.), Kreitzer, Pallinger (out at 12:07 p.m.), Riess, Woods

Commissioners Absent: None

Advisors Present: Sinsay (DPW); Taylor (OCC)

Staff Present: Baca, Beddow, Bennett, Farace, Grunow, Nagem, Rosenberg, Rowan, Russell, Sheredy, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

D. Announcement of Handout Materials Related to Today's Agenda Items

E. Formation of Consent Calendar: Item 2

PAA 07-001, Agenda Item 1:

1. **LRC Land Development Plan Amendment Authorization; PAA 07-001, Valley Center Community Plan Area** (continued from February 22, 2008)

Request by the property owner, pursuant to Board of Supervisors Policy I-63, that the Planning Commission initiate a General Plan Amendment to change the project site's Regional Land Use Category from Estate Development Area to Country Town, and change the Land Use Designation from (17) Estate Residential (1 dwelling unit per 2, 4 acres) to (4) Residential (2.9 dwelling units per acre). The purpose of the proposed change to the General Plan is to enable the property owner to build 96 residential lots, each approximately 7,500 square feet in size, on a 35.46-acre parcel located north of the existing Country Town in Valley Center using a Package Treatment Plant as the wastewater disposal method. The project site is located just north of Fruitvale Road, between Twain Way to the east and High Point Drive to the west in Valley Center.

Presentation: Rosenberg

Proponents: 4; **Opponents:** 12

Discussion:

After careful review, Staff has determined that this project would require sewer service, though the applicant proposes to construct a Package Treatment Plant. Staff explains that the project area has a high water table, and there is no guarantee that the applicant will be able to obtain the necessary permit from the Regional Water Quality Control Board for the Package Treatment Plant. Staff maintains that the project does not conform to existing General Plan policies and will introduce urban development into this rural area. Staff further maintains that the proposal is not consistent the Board of Supervisors' land-use maps, nor the Valley Center Community Plan, in that densities will be increased - not decreased - near the boundaries of the Country Town. Staff explains that the project site is surrounded by agricultural uses and large-lot residential zoning, and development at the proposed density would negatively impact other properties in the northern Village. Staff does not support this Plan Amendment Authorization and recommends denial of the applicant's request. The Valley Center Community Planning Group support's Staff's recommendation, and the Group chairman clarifies that the land-use map alternative referred to by the applicant was developed without community input.

PAA 07-001, Agenda Item 1:

The applicant reminds the Planning Commission that the actual development proposal is not being presented today; he's merely requesting the opportunity to initiate environmental studies. The applicant's representative states this property (Referral No. 13) was placed on the Board of Supervisors' land-use map. There are no environmental resources onsite, and no major issues were identified in the pre-app meeting with Staff. The applicant's representative reminds the Planning Commission that land use issues such as road improvements, secondary access provisions, community walkability, etc., will be resolved through project design. He states there are other projects in the community that are similar to the proposed project. The applicant's representative acknowledges that he has not met with Planning Group representatives or community members, but explains that it would be premature to talk with them at this time.

Neighboring property owners insist that the proposed development will double population in the area. Drainage and run-off discharge are also major concerns, as are the health impacts associated with the dust and fumes emanating from a chicken ranch near the project site. Project opponents do not believe this site can physically support the density being proposed, nor will Fruitvale Road be able to handle the expected increases in traffic. They also remind the Planning Commission that they were unable to evacuate the area during the last fire.

Commissioner Pallinger acknowledges that reaching decisions on PAAs is occasionally difficult, but he's supportive of allowing the application to proceed in this case. Commissioner Day reminds those in attendance that the PAA process was implemented as a method of streamlining the intent of Board of Supervisors Policy I-63. He explains that the Commission has in the past allowed PAAs to proceed if the proposal was similar to what the General Plan will be. Commissioner Day clarifies that no one is recommending pre-approval of the applicant's project; a vote in support will merely allow the applicant to continue the application process. Commissioner Day also points out that the proposed project is a Board of Supervisors-directed land-use alternative.

Commissioner Kreitzer announces that he can't support allowing the applicant to continue because he foresees many problems with this project, particularly with respect to groundwater, the existing chicken ranch, increased impacts on traffic, and the proposed package treatment plant. Commissioner Woods concurs with Commissioner Kreitzer's comments, but believes the applicant should be allowed to complete the environmental studies. He also has great concerns about groundwater and the proposed package treatment plant but points out, as did Commissioner Day, that the proposed project is a Board of Supervisors alternative.

PAA 07-001, Agenda Item 1:

Commissioner Brooks reminds his fellow Commissioners that the applicant is willing to continue the application process at his own risk. If the applicant is willing to expend the funds necessary to provide the environmental studies, he has the right to do so. Commissioner Beck cautions that the land-use map Staff developed was based on technical analysis. As such, Staff's recommendation to deny this application has merit and should be adopted. Commissioner Beck is of the opinion that the proposal should meet the requirements of the existing General Plan. He believes the new General Plan will be completed before the applicant can complete environmental studies because the project site is so heavily constrained. Chairman Riess is also unsupportive of approving the PAA, and notes that traffic will increase substantially on Fruitvale Road if the project is approved.

Commissioner Pallinger agrees with each Planning Commissioner's position, but reminds them that supporting the Motion will simply allow the applicant to move forward. He believes Staff should implement a procedure allowing applicants to continue the application process if certain thresholds are met.

Action: Pallinger – Brooks

Grant the request to initiate the General Plan Amendment.

Discussion of the Action:

Commissioners Beck and Kreitzer believe it's unfair to allow the applicant to proceed knowing that the proposed project has so much going against it.

Ayes:	4 -	Brooks, Day, Pallinger, Woods
Noes:	3 -	Beck, Kreitzer, Riess
Abstain:	0 -	None
Absent:	0 -	None

POD 07-003, Agenda Item 2:

2. Zoning Ordinance Clean-Up; POD 07-003 (continued from March 7, 2008) (Stiehl)

Proposed clean-up amendments in the form of a Draft Ordinance to the Zoning Ordinance. At the March 7th hearing, the Planning Commission requested that the portion of the Draft Ordinance regarding the Additional Story Permitted Section (31) be revised. Staff has revised the proposed Section to allow for an additional story with the approval of an Administrative Permit with required findings.

Presentation: Stiehl

Proponents: 0; **Opponents:** 0

This Item is approved on consent following comments of support for Staff's recommendations from Commissioner Kreitzer.

Action: Beck – Kreitzer

Recommend that the Board of Supervisors:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15061(b)(3) of the CEQA Guidelines for the reasons detailed in the Notice of Exemption dated February 8, 2008 on file with the Department of Planning and Land Use as POD 07-003; and
2. Adopt the attached Form of Ordinance amending the Zoning Ordinance to make miscellaneous minor revisions relating to Definitions, Convenience Sales and Personal Services, Mini-Warehouses, Packing and Processing, Veterinary Hospitals, Animal Regulations, Story Limits, Structures in yards, Accessory Use Regulations, Special Purpose Signs, Gate Entry Structures, Design Review and Parking in Fallbrook, and to clarify and correct various minor regulations.

Ayes:	7 -	Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

**GPA 03-005, R03-015, P04-048
and TM 5341RPL⁵, Agenda Item 3:**

3. Peaceful Valley Ranch Major Subdivision (57 Lots); General Plan Amendment GPA 03-005, Rezone R03-015, Tentative Map TM 5341RPL⁵, Major Use Permit P04-048, Jamul/Dulzura Subregional Plan Area

Proposed subdivision of 181.31 acres into 57 lots (estate residential, equestrian, open space, joint use, and roads). Lot sizes range from 2.0 to 28.9 acres. A General Plan Amendment and Rezone are proposed to reclassify the eastern 152.6 acres of the site from a General Plan Land Use Designation of (18) Multiple Rural Use (1 dwelling unit per 4, 8, 20 acres) and A72 Zoning Use Regulation (General Agriculture; 8-acre minimum lot size) to (17) Estate Residential (1 dwelling unit per 2, 4 acres) and A72 Zoning Use Regulation (General Agriculture; 2-acre minimum lot size). The General Plan Amendment also proposes to delete a planned portion of SC 760 from Olive Vista Drive to State Route 94 from the Circulation Element. The project site is located within the Otay Water District but proposes to annex the eastern 152.46 acres into the Metropolitan Water District and the San Diego County Water Authority. A Major Use Permit is requested for spectator events at the private equestrian/polo training facility. The project site is located on the east side of State Route 94 at the intersection with Melody Road in the Jamul/Dulzura Subregional Plan Area.

Presentation: Beddow

Proponents: 14; **Opponents:** 0

Discussion:

Following Staff's presentation and recommendation that the Planning Commission approve this proposal, the applicant's representative reminds the Planning Commission that the proposal will result in transferring density away from Highway 94 and locating it deeper within the interior of the project site. The applicant's representative clarifies that groundwater will only be used as irrigation for the polo field. All water rights for prospective residences, the equestrian facility and the fire station will be relinquished, and the eastern 152.46 acres of the project site will be annexed into the Metropolitan Water District and the San Diego County Water Authority. Also, in addition to providing \$260,000 in Traffic Impact Fees, the applicant is required to make road improvements.

**GPA 03-005, R03-015, P04-048
and TM 5341RPL⁵, Agenda Item 3:**

Action: Kreitzer – Pallinger

Recommend that the Board of Supervisors:

- a. Adopt the Resolution approving GPA 03-005;
- b. Adopt the attached Form of Ordinance changing the zoning classification of certain property in the Jamul/Dulzura Subregional Plan Area, Ref: R03-015;
- c. Adopt the Resolution approving TM 5341RPL5, make the appropriate Findings, and impose those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State Law;
- d. Grant Major Use Permit P04-048, make the appropriate Findings and impose those requirements and Conditions necessary to insure that the project is implemented in a manner consistent with the Zoning Ordinance and State Law;
- e. Certify that the final Environmental Impact Report (EIR) dated January 2008 on file with the Department of Planning and Land Use (DPLU) as Environmental Review Number 04-19-007 has been completed in compliance with the California Environmental Quality Act (CEQA);
- f. Adopt the CEQA Guidelines Section 15091 "Findings Regarding Significant Effects of the Project" dated January 2008 on file with DPLU as Environmental Review Number 04- 19-007; and
- g. Adopt the "Statement of Overriding Considerations" dated January 2008 on file with DPLU as Environmental Review Number 04-19-007. (Attachment F)

Discussion of the Action:

Commissioner Beck voices concern about open space provisions and protection of that open space. Staff explains that backyard open space is being preserved, but any impacts to biological resources will be mitigated offsite. Intrusion beyond specific boundaries will be strictly prohibited and signage will be provided. The project site contains the horned lark, savannah sparrow and

**GPA 03-005, R03-015, P04-048
and TM 5341RPL⁵, Agenda Item 3:**

loggerhead shrike. Staff explains that no surveys were conducted to determine whether these species are nesting, but it is assumed that the loggerhead shrike and the savannah sparrow have the potential for nesting onsite and this has been addressed in the EIR. Commissioner Beck reminds Staff that two of the species determined to be onsite are designated as either sensitive or RPO-sensitive species. The CEQA documents indicate that impacts on sensitive species are considered significant, which requires either mitigation or justification.

Commissioner Beck is also quite concerned about this proposal's potential impacts on groundwater, because the Commission has not been provided with any scientific logic for allowing the proposed project to extract groundwater three feet below historic levels. Staff explains that the applicant is required to hire a certified geologist and monitor groundwater levels at specific intervals monthly, report when water levels begin to approach the 2004 threshold and reduce the amount of water being utilized or cease operations entirely, and obtain a Permit from the County to begin operations again. Commissioner Beck remains concerned and explains his reasons for not supporting this Motion:

1. Biological impacts associated with the project were deemed "not significant"; however, several RPO sensitive species were observed onsite including the loggerhead shrike, a severely declining species nearly extirpated from southern California. Despite an interval of several years between biological surveys, no attempt was made to determine if the shrike or horned lark nested on site, which is unacceptable. A determination of "not significant" would be effected by such information.
2. The project would be allowed to draw down the water level to three feet below historic groundwater levels. Commissioner Beck points out that this standard was applied as a mitigation measure to insure no impact on native vegetation. In response to a challenge of Staff's reasoning, the Commission was told that this is the County standard and it is applied to all projects, which is an inadequate response. Allowing the permanent drawdown of the water table below historic levels is not good land use policy, illogical on its face, and certainly not acceptable as a mitigation measure to support the viability of a vegetation community.

Ayes:	5 -	Brooks, Kreitzer, Pallinger, Riess, Woods
Noes:	1 -	Beck
Abstain:	0 -	None
Absent:	1 -	Day

**GPA 03-005, R03-015, P04-048
and TM 5341RPL⁵, Agenda Item 3:**

Action: Pallinger – Brooks

The applicant is to ensure that groundwater levels do not drop lower than the 2004 data point, and signage protecting open space must stipulate that "Entry Beyond This Point is Prohibited".

Ayes:	4 -	Kreitzer, Pallinger, Riess, Woods
Noes:	1 -	Beck
Abstain:	1 -	Brooks
Absent:	1 -	Day

TM 5469RPL², Agenda Item 4:**4. Ridge Creek Tentative Map; TM 5469RPL²; Fallbrook Community Plan Area**

Proposed subdivision of a 32.96-acre lot in Fallbrook into 14 lots, each at a minimum of 2.0 acres net. The project site is located on 3061 Ridge Creek Drive, and is subject to the Estate Development Area (EDA) General Plan Regional Category and the (17) Estate Residential Land Use Designation. Zoning for the site is A70 (Limited Agricultural). The site contains an existing residence that would be removed, and also contains non-native grasses and a drainage swale running north and south along the property boundary. Access would be provided by a 40' wide private road connecting to Ridge Creek Drive (a private road), Ridge Drive (a private road) and Live Oak Park Road (a public road). The project would be served by onsite septic systems and imported water from the Fallbrook Public Utility District. An extension of approximately 1,600 feet of water pipeline will be required by the Fallbrook Public Utility District. Earthwork will consist of 44,842 cubic yards of cut and fill. The project includes off-site improvements to Ridge Creek Drive.

Staff Presentation: Sheredy

Proponents: 1; **Opponents:** 0

Discussion:

This Item is approved on consent following assurances from Staff that a certified archaeologist/historian and Native American monitor will attend pre-construction meetings to explain and coordinate the requirements of the cultural resource monitoring program. In addition, the certified archaeologist/historian and Native American monitor must be onsite full-time to perform monitoring and inspections during the cutting of previously undisturbed deposits.

Action: Beck – Riess

Adopt the Resolution approving TM 5469RPL², which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law.

Ayes:	5 -	Beck, Brooks, Kreitzer, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	2 -	Day, Pallinger

POD 07-001, Agenda Item 5:**5. Boutique Wineries Zoning Ordinance Amendment; POD 07-001**

Proposed amendment to the Zoning Ordinance to introduce a new winery classification, Boutique Winery. Under the proposed amendment, the "Packing and Processing: Boutique Winery" Use Type would be allowed subject to limitations in the A70-Limited Agriculture and the A72-General Agriculture Use Regulations. The Boutique Winery Use Type can produce up to 12,000 gallons of wine per year and will include specified standards and limitations on the size of the winery and on activities that can occur, based in part of the location of the proposed Boutique Winery. The proposed amendment would apply to the unincorporated areas of San Diego County within the A70-Limited Agriculture and A72-General Agriculture Use Regulations. The Department is proposing revisions to the draft Ordinance considered by the Planning Commission on March 7, 2008.

Staff Presentation: Nagem

Proponents: 0; **Opponents:** 2

Discussion:

Staff requests that the Planning Commission postpone consideration of POD 07-001 due problems with notifications sent out for today's hearing. Members of the public are somewhat dismayed that Counsel has now determined that an EIR should be required to address issues pertaining to noise and groundwater. Commissioners Woods and Pallinger are also disappointed that there has been a reversal of Staff's recommendations from the Commission's March 7, 2008 meeting due to correspondence received several months ago. Chairman Riess points out that Staff is merely requesting a two-week continuance to address problems with public noticing.

Action: Woods – Brooks

Continue consideration of POD 07-001 to the meeting of April 4, 2008.

Ayes:	7 -	Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

Administrative:

F. Director's Report:

At their March 12, 2008 meeting, the Board of Supervisors approved the Los Coches GPA (GPA 05-006/R06-009, recommended for approval by the Commission on 01/11/08).

G. Report on actions of Planning Commission's Subcommittees:

None.

H. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

None.

I. Discussion of correspondence received by the Planning Commission:

None.

J. Scheduled Meetings:

April 4, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 18, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 2	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 16	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 30, 2008	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
June 13, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 27, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 11, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 25, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 8, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 22, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room

**GPA 03-005, R03-015, P04-048
and TM 5341RPL⁵, Agenda Item 3:**

September 5, 2008 Regular Meeting, 9:00 a.m., DPLU Hearing Room

September 19, 2008 Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 12:27 p.m. to 9:00 a.m. on April 4, 2008 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.